

REMARKS

Reconsideration of this application is respectfully requested.

Claims 1, 11, 13 and 19 have been amended, claim 8 has been deleted, and new claims 26-31 have been added. Upon entry of these amendments, the pending claims will be claims 1-7 and 9-31.

Claims 1 and 19 have been amended to recite that the film is a shrink film, as supported in the present specification at page 1, line 6, and at page 2, lines 15-23.

Recitations from claim 8 have also been inserted into claims 1 and 19, and claim 8 has been deleted.

Recitations from claim 12 have been inserted into claim 11.

Claim 13 has been amended to be dependent from claim 11. Claim 13 has been further amended to delete the recitations of “low density polyethylene” and “polypropylene”. It is noted that claim 13 continues to recite “polyethylene”, which encompasses “low density polyethylene”.

Support for new claims 26-28 may be found in the present specification at page 2, lines 15-23, and at page 9, lines 18-21. Recitations from claim 20 have also been inserted into claim 27.

New claim 29 is supported by original claims 1, 3, 11 and 13.

New claim 30 is supported by the present specification at page 9, lines 1-4, and in the Examples on pages 9-12.

New claim 31 is supported by the present specification at page 1, lines 25-28.

In box 4 of the Office Action Summary on page 1 of the Official Action, it is indicated that

claims 19-25 are withdrawn from consideration. However, on pages 2-12 of the Official Action, claims 19-25 are examined and rejected. Accordingly, it would appear that claims 19-25 have not been withdrawn from consideration.

For the reasons given on pages 2 and 3 of the Official Action, claims 1-10 and 13-25 are rejected under 35 USC 102(b) over the disclosure of the Dries et al U.S. Patent 5,529,843.

This rejection is respectfully traversed.

The Dries patent does not suggest a shrink film as recited in the present claims.

As acknowledged in the Official Action, the Dries patent does not anticipate the embodiments of original claims 11 and 12. As described in the Dries patent, e.g., at column 4, lines 36-65, it is required that a skin layer is composed of an isotactic olefinic homopolymer, particularly a polypropylene homopolymer, especially a metallocene catalyzed homopolymer.

For the reasons given on pages 3 and 4 of the Official Action, claims 1-7, 10, 11, 13-15, 17-20 and 22-25 are rejected under 35 USC 102(b) over the disclosure of the Peiffer et al U.S. Patent 5,443,895.

This rejection is respectfully traversed.

This rejection has been obviated by the foregoing amendments, whereby recitations of claim 8 have been incorporated into claims 1 and 19.

For the reasons given on pages 5-7 of the Official Action, claims 1-24 are rejected under 35 USC 103(a) over the disclosure of the Peet U.S. Patent 6,270,912 in view of the disclosure of the Bleemberg U.S. Patent 5,108,844.

This rejection is respectfully traversed.

The Peet patent is disqualified as a reference under 35 USC 103(c), because the Peet patent

and the present application were commonly owned at the time of the present invention.

In particular, the following statement is made pursuant to MPEP 706.02(l)(2):

Application Serial No. 09/747,537 and U.S. Patent 6,270,912 were, at the time the invention of Application Serial No. 09/747,537 was made, owned by ExxonMobil Chemical Company.

It is noted that the assignee listed on the face of U.S. Patent 6,270,912 is the Mobil Oil Corporation. Ownership of this patent transferred to ExxonMobil Chemical Company as a result of the merger between Mobil and Exxon.

For the reasons given on pages 7 and 8 of the Official Action, claims 1-7, 13, 16-22, 24 and 25 are rejected under 35 USC 103(a) over the disclosure of the Nanbu U.S. Patent 4,921,749 in view of the disclosure of the Bleemberg U.S. Patent 5,108,844.

This rejection is respectfully traversed.

This rejection has been obviated by the foregoing amendments, whereby recitations of claim 8 have been incorporated into claims 1 and 19.

For the reasons given on pages 8-10 of the Official Action, claims 1-11 and 13-22 are rejected under 35 USC 103(a) over the disclosure of the Bossaert et al U.S. Patent 4,414,261 in view of the disclosure of the Bleemberg U.S. Patent 5,108,844.

This rejection is respectfully traversed.

Neither the Bossaert patent nor the Bleemberg patent suggest a shrink film as recited in the present claims.

For the reasons given on pages 10-12 of the Official Action, claims 1-11, 13-22 and 23-

25 are rejected under 35 USC 103(a) over the disclosure of the Schuhmann et al U.S. Patent 5,433,983 in view of the disclosure of the Bleemberg U.S. Patent 5,108,844.

This rejection is respectfully traversed.

Neither the Schuhmann patent nor the Bleemberg patent suggest a shrink film as recited in the present claims.

Accordingly, the rejections under 35 USC 103 should be withdrawn.

Allowance is requested.

Respectfully submitted,



Rick F. James
Reg. No. 48,772

Date: December 3, 2002

ExxonMobil Chemical Company
P.O. Box 2149
Baytown, Texas 77522-2149
Phone: 281-834-2438
Fax: 281-834-2911

Attachment: Version with markings to show changes made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Please amend claims 1, 11, 13 and 19, cancel claim 8, and add new claims 26-31 as follows:

1. (Once Amended) A multi-layer polymeric shrink film comprising:

- (a) a first skin layer having a first side and a second side;
- (b) a core layer comprising polypropylene, a polymeric modifier, and a hydrocarbon resin wherein the core layer has a first side and a second side and the first side of the core layer is adjacent to the second side of the first skin layer;

- (c) a second skin layer having a first side and a second side wherein the first side of the second skin layer is adjacent to the second side of the core layer,
wherein the core layer comprises up to about 15 percent weight of the polymeric modifier and up to about 15 percent by weight of the hydrocarbon resin.

Claim 8 has been canceled.

11. (Once Amended) The film of claim 1 wherein the first skin layer comprises a polymer selected from the group consisting of ethylene-propylene random copolymers, ethylene-propylene-butene random terpolymers, [and] propylene-butene copolymers, and low density polyethylene.

13. (Once Amended) The film of claim [1] 11 wherein the second skin layer comprises a

polymer selected from the group consisting of ethylene-propylene random copolymers,

ethylene-propylene-butene random terpolymers, propylene-butene copolymers, [low density polyethylene] and polyethylene[, and polypropylene].

19. (Once Amended) A method for manufacturing a multi-layer polymeric shrink film comprising the steps of

- (a) coextruding a first skin layer comprising a polymer, a core layer comprising polypropylene, a polymeric modifier, and a hydrocarbon resin, and a second skin layer comprising a polymer;
- (b) stretching the film in the machine direction (MD); and
- (c) stretching the film in the transverse direction (TD),

wherein the core layer comprises up to about 15 percent weight of the polymeric modifier and up to about 15 percent by weight of the hydrocarbon resin.

New claims 26-31 have been added.